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SINS OF COMMISSION, PART II: HOW MUCH IS TOO MUCH FOR A FUNDRAISER TO KEEP?

Adapted from the writings of Dayan Yitzhak Grossman

In our previous article, we discussed a rule, attributed to various named and unnamed *gedolei* Torah, that a fundraiser for a tzedakah organization may take as his compensation up to 49% of the funds raised. We concluded by noting that R' Mendel Shafran is very skeptical of this rule; here is his analysis:

There is a rumor—some attribute it to our master the Chazon Ish¹—that it is permitted to take up to 49%.

In my opinion, there is nothing to this rumor, and in any event, if the Chazon Ish or another *gadol* did say something in this vein, it appears that his statement was taken out of context.

In my opinion, this question should be considered from the perspective of the givers of the tzedakah as well as that

of the community of recipients, and we will explain this in detail: All work has a value in the marketplace, and just as a carpenter or plumber estimates the value of his work based on the amount of time and effort he must expend, so must an official who collects donations estimate and appraise how much time and effort he is forced to expend in his work, and establish his compensation level accordingly.

Rav Shafran explains that the amount of work involved in fundraising varies greatly, so the appropriate compensation may be as low as 5% (where relatively little effort is required to raise a large amount) or as high as 90% (where much effort is required to raise a paltry sum). He accordingly concludes:

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PARSHAS VAYIKRA BEG, BORROW, OR STEAL

Excerpted and adapted from a *shiur*
by Dayan Yehoshua Grunwald

When a person (adam) from among you will bring an offering to Hashem: from the animals—from the cattle and from the flocks you shall bring your offering.

Vayikra 1:2

Rashi comments that the word "adam" teaches that a *korban* may not be a stolen animal, just as Adam Harishon couldn't possibly bring a stolen *korban*, because everything was his. But it is permitted in some cases to borrow without permission for a mitzvah. The Shulchan Aruch (O.C. 14:4) says that one may borrow a tallis without asking and even recite a *bracha*, provided he folds it afterward. The Rama adds that the same is true of tfillin. The Mishnah Brurah explains that people generally do not mind someone using their possessions to perform a mitzvah.

But there are limits to this halacha. First, the Mishnah Brurah writes that one may only use the tallis or tfillin on an occasional basis and in the place he found it. Second, he quotes from the Pri Megadim that if one is able to verify the owner's consent,

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Tastemakers

Q What should I do if I inadvertently ate something after the afikoman?

A To preserve the taste of matzah in the mouth, nothing may be eaten after the afikoman (O.C. 478:1). If someone mistakenly ate, he should have another afikoman (Mishnah Brurah ibid. 1), unless he already *bentsched* (Kaf Hachaim ibid. 3).

Q May I drink after the afikoman?

A The Mishnah Brurah (481:1) cites various opinions. Some allow any nonalcoholic beverage

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¹See Ma'asei Hatzedakah p. 43 n. 4, cited in Hilchos Tzedakah siman 19 se'if 1 p. 60 n. 2.

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In any event, this figure of 49% appears to have no source or basis whatsoever in halacha. According to the halacha, if he performs work that is worth 90% of the donations, he is entitled to 90%, and if he performs work that is worth 1%, it is prohibited for him to take more than 1%.

Rav Shafran then proceeds to suggest, however, that a 90% commission, even where that is indeed the value of the fundraiser's work, may actually be a problem both from the perspective of the tzedakah fund as well as from that of the donors:

From the perspective of the charity fund, we must consider whether it is permitted to collect tzedakah when 90% of the donations will be spent on collection expenses and only 10% will remain in the fund for the needs for which purpose the collection was arranged...

It is untenable to maintain a fund where 90% of the donated monies are spent on fundraising and collection and only 10% remain in the fund.

And beyond this, it appears that we must consider this from the perspective of the donors, for they are not aware that 90% of their funds are intended to cover collection costs. It is likely that were they aware of this, they would not have agreed, so it would appear that this entails theft from the donors as well.

And perhaps it was in this context that the Chazon Ish or another *gadol* said that it is permitted to take up to 49%. That is, as long as the collector does not take more than 49% and the fund retains 51% of the donations, this sort of collection is justifiable—both from the perspective of the fund and from that of the donors—because the majority of the money does indeed reach the tzedakah and those who deserve to benefit from it.

And according to this explanation, we must include in the 49% not only the compensation that the collector takes, but all the expenses that accompany the operation of the fund, such as photography, advertising, bank commissions, and the like.

Rav Shafran concludes that according to

this approach, the 49% rule would mean that even where the portion that the fundraiser wishes to take for himself *does* constitute fair compensation for his work, it still may not exceed 49%.²

Rav Shafran prefaces his discussion by asserting that the Jewish custom of fundraisers taking a percentage of the funds they raise is not accepted anywhere else in the world, and that everywhere else, fundraisers are paid either a fixed-salary based on their skills and fundraising success or a base salary plus commission (which he says typically results in a figure fairly close to that of the fixed salary model). He explains that even among Jews, this was not historically the custom, and that from the *teshuvos* it appears that the modern system began about a century ago. (See, however, the testimony of R' Moshe Galanti cited below that fundraisers of four centuries ago commonly did take a percentage of the funds they raised.) He concedes, though, that since it has become customary, the practice is permitted.

Various halachic authorities are reported to have set forth other limits:

R' Ben-Tzion Mutzafi³ reports that R' Ben-Tzion Abba Shaul permitted a fundraiser to take up to 10%.⁴

One writer reports that R' Shlomo Zalman Auerbach said a fundraiser should take only 10-15%, and R' Yosef Shalom Elyashiv is quoted saying that a fundraiser should take as little as possible.⁵

R' Chaim Pinchas Scheinberg reportedly maintained that fundraisers should ideally take up to 25%, but that up to 50% is permitted *bedieved*.⁶

The Steipler (R' Yaakov Yisrael Kanievsky) is cited allowing up to 35% plus expenses.⁷

R' Shmuel Vosner rules that fundamentally (*mei'ikar hadin*), one should raise funds gratis, due to the prohibition against charging to perform a mitzvah (see the previous article)—except for someone for whom this is his *parnasah*, who is

² Kovetz Hayashar Vehatov #12 p. 25.

³ See our collection of a number of Rav Mutzafi's statements on matters of health and safety in Counter a Tax Disincentivizing Unhealthful Behavior, Jan. 19, 2023.

⁴ R' Ben-Tzion Mutzafi, She'al Ess Harav #140541.

⁵ Masekess Lematrim Litvakim, Kilim Ba'inyan, Din-She'al Ess Harav, and cf. here.

⁶ Ma'asei Hatzedakah ibid.

⁷ Orchos Rabeinu cheilek 3 p. 139, cited in Hilchos Tzedakah ibid. n. 1.

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(Pri Chadash), while others include grape juice in the prohibition (M.B. *ibid.*, citing others). Some even forbid all beverages but water (Shulchan Aruch and Rama). The Mishnah Brurah (*ibid.*) says to follow the stricter view.



Flavored-water drinks like tea are permitted by all, because they do not eliminate the matzah taste (*ibid.*). Some even allow adding sugar (Dirshu Mishnah Brurah citing Rav Elyashiv).

Early *poskim* debate whether coffee is like tea in this respect (Ba'er Heiteiv *ibid.* 1); it is better to be stringent, especially if the coffee is made very strong. One who is sensitive and needs to drink something other than water may rely on the lenient opinions (Mishnah Brurah *ibid.*).

Q May I drink coffee in the morning after the Seder before *vasikin*?

A The prohibition against eating after the afikoman continues until *alos hashachar* (daybreak). But according to many *poskim*, the prohibition does not continue after one sleeps and arises (cited by Piskei Teshuvos 478:1). Regarding *drinking* after waking up, one may be lenient *lechat'chilah*, as there are views that permit drinking altogether (*ibid.*).

permitted to take a salary for his work.⁸ He cites the Knessess Hagedolah⁹ in the name of the Maharam (R' Moshe) Galanti (the first, a *talmid* of R' Yosef Karo¹⁰) that a third or a quarter of the funds raised was the customary compensation of fundraisers in his time.¹¹

⁸ See Tosfos Ksubos 105a s.v. *Gozrel gzeiros*, Shulchan Aruch Y.D. 246:5, Nishmas Avraham (Second Expanded Edition) Y.D. p. 439.

⁹ Knessess Hagedolah C.M. siman 331, Hagahos Baiv Yosef os 7.

¹⁰ Shu"t R' Moshe Galanti siman 7.

¹¹ Shu"t Sheivet Halevi cheilek 2 siman 122, cited in Hilchos Tzedakah *ibid.* n. 3.
Cf. Chashukei Chemed Shvus pp. 56-58; R' Dani Schwartz, *Kanah Achizim Mutar Le'irgun Tzedakah Laseis Lematrimim?* Emunas Itcha 114 (5777) pp. 55-57; R' Ratzon Arusi, *Amlas Gabai Tzedakah*.

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he must do so, because the *chazakah* may only be relied upon when verification isn't possible. Third, the Rama writes that this ruling does not apply to

borrowing *sfarim*, because they may tear.

Today, many people are uncomfortable allowing others to borrow their tallis or tfillin, so the Aruch Hashulchan (O.C. 14:11) writes that the dispensation may

no longer apply. Conversely, he writes (C.M. 72) that most people no longer mind others using their *sfarim* without permission, because *sfarim* today are printed and widely available.

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